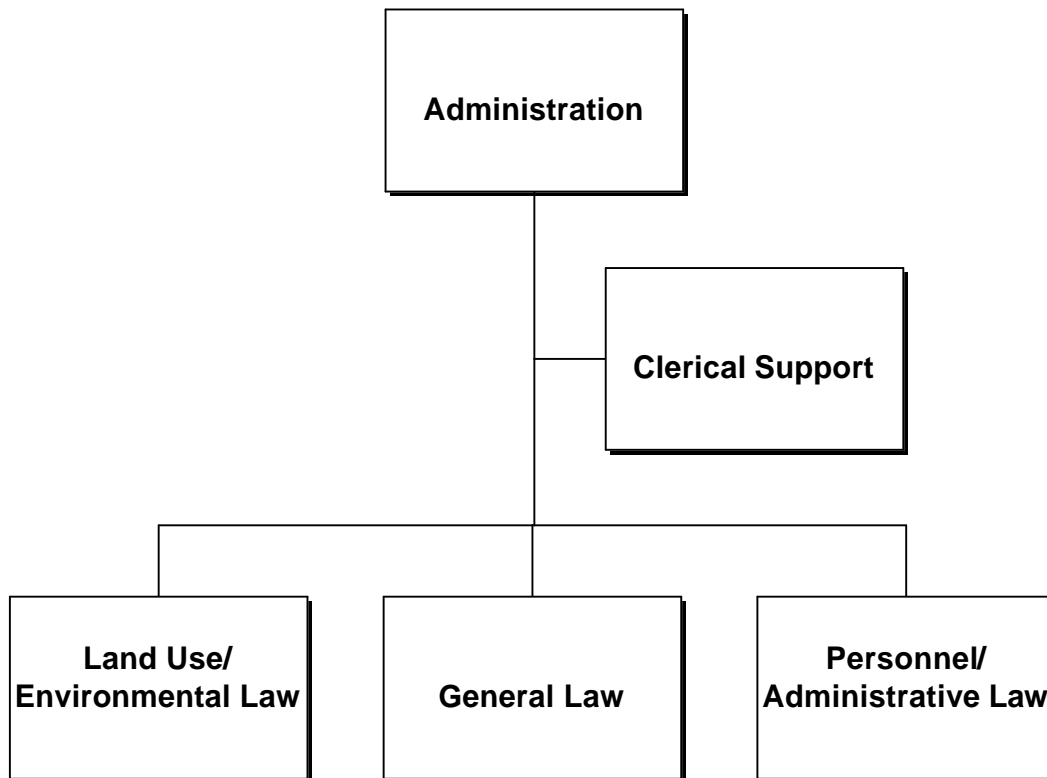


# OFFICE OF THE COUNTY ATTORNEY



# OFFICE OF THE COUNTY ATTORNEY

## *Agency Position Summary*

64 Regular Positions / 64.0 Regular Staff Years

### ***Position Detail Information***

#### **ADMINISTRATION**

1 County Attorney  
2 Administrative Associates  
1 Network Analyst II  
4 Positions  
4.0 Staff Years

#### **CLERICAL SUPPORT**

11 Administrative Assistants IV  
1 Administrative Assistant III  
1 Administrative Assistant I  
13 Positions  
13.0 Staff Years

#### **LAND USE/ENVIRONMENTAL LAW**

1 Deputy County Attorney  
1 Senior Assistant County Attorney  
3 Assistant County Attorneys V  
6 Assistant County Attorneys IV  
3 Paralegal Assistants  
14 Positions  
14.0 Staff Years

#### **GENERAL LAW**

1 Deputy County Attorney  
2 Senior Assistant County Attorneys  
3 Assistant County Attorneys VI  
1 Assistant County Attorney V  
4 Assistant County Attorneys IV  
5 Paralegal Assistants  
16 Positions  
16.0 Staff Years

#### **PERSONNEL/ADMINISTRATIVE LAW**

1 Deputy County Attorney  
2 Senior Assistant County Attorneys  
1 Assistant County Attorney VI  
4 Assistant County Attorneys V  
7 Assistant County Attorneys IV  
2 Paralegal Assistants  
17 Positions  
17.0 Staff Years

# OFFICE OF THE COUNTY ATTORNEY

## Agency Mission

To fulfill the requirements of the Code of Virginia that the County Attorney advise the governing body and all boards, departments, agencies, officials, and employees of the locality in civil matters, draft or prepare ordinances, defend or bring actions in which the local government or any of its components shall be a party, and in any other manner advise or represent the locality.

Agency Summary					
Category	FY 2002 Actual	FY 2003 Adopted Budget Plan	FY 2003 Revised Budget Plan	FY 2004 Advertised Budget Plan	FY 2004 Adopted Budget Plan
Authorized Positions/Staff Years					
Regular	64/ 64	64/ 64	64/ 64	64/ 64	64/ 64
Expenditures:					
Personnel Services	\$4,671,455	\$4,817,070	\$4,876,367	\$5,199,149	\$5,159,951
Operating Expenses	716,871	942,467	1,367,501	660,301	542,982
Capital Equipment	0	0	0	0	0
<b>Subtotal</b>	<b>\$5,388,326</b>	<b>\$5,759,537</b>	<b>\$6,243,868</b>	<b>\$5,859,450</b>	<b>\$5,702,933</b>
Less:					
Recovered Costs	(\$332,482)	(\$349,204)	(\$349,204)	(\$368,513)	(\$368,513)
<b>Total Expenditures</b>	<b>\$5,055,844</b>	<b>\$5,410,333</b>	<b>\$5,894,664</b>	<b>\$5,490,937</b>	<b>\$5,334,420</b>
Income:					
Legal Counsel to FCPS	\$29,797	\$30,916	\$34,008	\$35,858	\$35,858
County Attorney Fees	540	1,000	1,000	1,000	1,000
Litigation Proceeds	24,697	46,000	46,000	46,000	46,000
<b>Total Income</b>	<b>\$55,034</b>	<b>\$77,916</b>	<b>\$81,008</b>	<b>\$82,858</b>	<b>\$82,858</b>
<b>Net Cost to the County</b>	<b>\$5,000,810</b>	<b>\$5,332,417</b>	<b>\$5,813,656</b>	<b>\$5,408,079</b>	<b>\$5,251,562</b>

## Board of Supervisors' Adjustments

***The following funding adjustments reflect all changes to the FY 2004 Advertised Budget Plan, as approved by the Board of Supervisors on April 28, 2003:***

- ◆ A net decrease of \$109,819 in Operating Expenses, primarily in litigation expenses. This reduction further limits the funding available to address litigation expenses beyond a minimal level anticipated each year, and may affect the use of experts during the investigative stages of litigation and at trial.
- ◆ A net reduction of \$39,198 reflects reduced funding for the Pay for Performance program. Based on the approved 25 percent reduction, the FY 2004 program will result in reductions in the increases employees will receive based on their performance rating, capping employees to a maximum of 5.25 percent. This adjustment leaves in place the Pay for Performance program in preparation for system redesign for FY 2005.
- ◆ A decrease of \$7,500 for PC Replacement charges based on the reduction in the annual contribution for PC Replacement by \$100 for PC, from \$500 to \$400.

***The following funding adjustments reflect all approved changes to the FY 2003 Revised Budget Plan from January 1, 2003 through April 21, 2003. Included are all adjustments made as part of the FY 2003 Third Quarter Review:***

- ◆ The Board of Supervisors made no adjustments to this agency.

# OFFICE OF THE COUNTY ATTORNEY

---

## ***County Executive Proposed FY 2004 Advertised Budget Plan***

### **Purpose**

The Office of the County Attorney is divided into three sections: the General Law section, the Land Use/Environmental Law section, and the Personnel/Administrative Law section. The General Law section prosecutes delinquent tax claims, defends tax assessment lawsuits, advises County agencies on financial matters and bond issues, interacts with the Virginia General Assembly, drafts proposed County ordinances, reviews County contracts, and issues opinions to the governing body and the County Government on general subjects.

The Land Use/Environmental Law section defends land use decisions of the governing body, enforces and drafts zoning ordinances, brings condemnation actions, advises County agencies on environmental issues, and reviews subdivision documents affecting County property interests.

The Personnel/Administrative Law section defends County personnel decisions in administrative hearings and litigation, provides counsel to the Fairfax County Redevelopment and Housing Authority and the Park Authority, prosecutes cases involving abuse and neglect of children and elders in the Juvenile and Domestic Relations Court, and drafts personnel and retirement ordinances.

### **Key Accomplishments**

- ◆ Played a critical role in effecting the transfer of the District of Columbia Department of Corrections facility at Lorton from the federal government to the County, in constructing the South County Center, in procuring hundreds of acres of new parkland in the western part of the County, and in preparing the final contracts and construction schedule for the Route 28 improvements.
- ◆ Aggressively pursued zoning violations throughout the County, including a long-standing concentration of zoning violations in the Cinder Bed Road area.
- ◆ Continued to achieve a high rate of success in litigation before the Fairfax County Circuit Court and the United States District Court for the Eastern District of Virginia and in appeals before Virginia and federal appellate courts.
- ◆ Conducted legal training sessions for several County agencies, with one of the sessions receiving certification from the Mandatory Continuing Legal Education Board of the Virginia State Bar.
- ◆ Provided additional teleworking and job-sharing opportunities, including the unprecedented job-sharing of two attorney positions.

### **FY 2004 Initiatives**

- ◆ Establish a team of attorneys within the Office with expertise in a variety of fields to assist in structuring major County transactions and undertakings such as the Dulles Corridor Rapid Transit Project.
- ◆ Sustain Office's preeminence in local government law in the Commonwealth by making continuing legal education presentations at statewide venues and by occupying leadership positions in state and local bar associations.
- ◆ Promote preventive law practices within County agencies by continuing to provide training sessions to agencies.
- ◆ Continue prompt and stringent enforcement actions against zoning violations and illegal land disturbing activities.

# OFFICE OF THE COUNTY ATTORNEY

---

## **FY 2004 Budget Reductions**

As part of the FY 2004 Advertised Budget Plan, reductions totaling \$283,646 are proposed by the County Executive for this agency. These reductions include:

- ♦ Reduction of \$283,646 in Operating Expenses, by reducing litigation expenses. This reduction significantly limits the funding available to address litigation expenses beyond a minimal level anticipated each year, and may affect the use of experts during the investigative stages of litigation and at trial.

## **Performance Measurement Results**

The percent of litigation processed to a favorable conclusion is based on all litigation brought by or against the County in state or federal, trial or appellate courts and administrative tribunals. In FY 2002, 97 percent of lawsuits were concluded favorably, meeting the objective. The Office of the County Attorney anticipates a continued high percentage of favorably concluded lawsuits for Fiscal Years 2003 and 2004.

The timeliness of the filing of zoning enforcement suits is based on suits that are referred by the Zoning Administrator to the Office of the County Attorney. In FY 2002, the Land Use section met the 40-day filing standard for zoning enforcement suits 80 percent of the time. The delay in filings in the zoning enforcement cases was due to increased volume and the number of new attorneys that required training in this area of the law. In several instances it was also due to the need to coordinate with other departments besides Zoning Enforcement. It should be noted, however, that the delays were minimal.

The dollar recovery rate on collection suits is based on delinquencies that are referred by the Department of Tax Administration to the Office of the County Attorney's target component and the amount recovered. In FY 2002, the collection rate was 71 percent, meeting the objective. Although the Office of the County Attorney does not expect the rate to be as high in FY 2003 and FY 2004, the Office will strive to meet its goal of a 63 percent collection rate.

The response time to all requests for legal opinions and advice is based on responses to requests from the Board of Supervisors, other boards, authorities or commissions, the County Executive, and County agencies. The percentage of advisory responses meeting timeliness standards was 81 percent overall in FY 2002. It is important to note that the reason for the reduced percentage is due, in part, to delayed file closings and, in the case of affidavit review, deferrals of applications, either at the request of the applicant, the Board, the Planning Commission, or the Board of Zoning Appeals. However, the Office of the County Attorney will place a greater emphasis on this objective to improve those items that fall within its control.

## **Funding Adjustments**

*The following funding adjustments from the FY 2003 Revised Budget Plan are necessary to support the FY 2004 programs:*

- ♦ A net increase of \$382,079 in Personnel Services associated with salary adjustments necessary to support the County's compensation program.
- ♦ A net decrease of \$766,497 in Operating Expenses associated with encumbered and unencumbered carryover, and reduced litigation expenses.
- ♦ A net increase of \$19,309 in Recovered Costs due to the FY 2004 projected salaries of recoverable positions.

# OFFICE OF THE COUNTY ATTORNEY

The following funding adjustments reflect all approved changes to the FY 2003 Revised Budget Plan since passage of the FY 2003 Adopted Budget Plan. Included are all adjustments made as part of the FY 2002 Carryover Review and all other approved changes through December 31, 2002:

- ◆ As part of the FY 2002 Carryover Review, an increase of \$165,000 in Operating Expenses due to unencumbered carryover associated with conversion of the agency's litigation database system, and an increase of \$319,331 due to encumbered carryover.

## Performance Measures

### Objectives

- ◆ To ensure that the civil litigation brought by or against the County of Fairfax and its constituent entities in state or federal, trial or appellate courts and administrative tribunals is consistently processed to a favorable conclusion by maintaining the percentage of lawsuits concluded favorably at 97 percent.
- ◆ To improve response time to all requests for legal opinions and advice from the Board of Supervisors, other boards, authorities or commissions, the County Executive, and County agencies by one percentage point each year from 81 to 82 percent of responses meeting timeliness standards.
- ◆ To file 90 percent of zoning enforcement suits within 40 days of the request from the Zoning Administrator.
- ◆ To maintain the recovery rate of amounts referred for collection by the Department of Tax Administration at a minimum of 63 percent.

Indicator	Prior Year Actuals			Current Estimate	Future Estimate
	FY 2000 Actual	FY 2001 Actual	FY 2002 Estimate/Actual	FY 2003	FY 2004
<b>Output:</b>					
Lawsuits completed	737	646	640 / 769	725	725
Advisory responses completed	2,783	3,357	3,350 / 3,634	3,600	3,600
Requests for zoning enforcement actions filed	38	33	33 / 54	46	46
Dollars collected for real estate	\$1,511,114	\$834,131	\$1,200,000 / \$1,100,274	\$1,100,000	\$1,100,000
Dollars collected for BPP, PP, BPOL, Other (1)	\$1,011,609	\$724,610	\$800,000 / \$1,168,623	\$1,200,000	\$1,300,000
Total dollars collected (2)	\$2,522,723	\$1,558,741	\$2,000,000 / \$2,268,897	\$2,300,000	\$2,400,000
<b>Efficiency:</b>					
Lawsuits completed per staff	12	10	10 / 12	11	11
Responses provided per staff	43	53	52 / 57	56	56
Zoning enforcement actions filed per staff assigned	15	13	13 / 22	18	18
Salaries expended per collection amount	18%	31%	24% / 22%	23%	23%

# OFFICE OF THE COUNTY ATTORNEY

Indicator	Prior Year Actuals			Current Estimate	Future Estimate
	FY 2000 Actual	FY 2001 Actual	FY 2002 Estimate/Actual	FY 2003	FY 2004
<b>Service Quality:</b>					
Percent of lawsuits concluded favorably	97%	97%	97% / 97%	97%	97%
Percent of advisory responses meeting timeliness standards for BOS requests (14 days)	94%	96%	96% / 94%	96%	96%
Percent of advisory responses meeting timeliness standards for subdivision review (21 days)	100%	100%	95% / 100%	95%	95%
Percent of advisory responses meeting timeliness standards for legal opinion (30 days)	95%	77%	90% / 78%	80%	80%
Percent of advisory responses meeting timeliness standards for Freedom of Information Act requests (according to state law)	100%	100%	100% / 100%	100%	100%
Percent of advisory responses meeting timeliness standards for other requests (1 year)	89%	91%	92% / 76%	80%	80%
Percent of advisory responses meeting timeliness standards overall	92%	93%	94% / 81%	82%	83%
Percent of zoning enforcement requests meeting 40-day filing standard	100%	97%	97% / 80%	90%	90%
Collection rate (Total BPOL, BPP, PP, collected in current year divided by total BPOL, BPP, PP referred in previous year)	69%	52%	52% / 71%	63%	63%
<b>Outcome:</b>					
Percentage point change of lawsuits concluded favorably during the fiscal year	NA	0	0 / 0	0	0
Percentage point change of responses meeting timeliness standards	NA	1	1 / (12)	1	1
Percentage point change in zoning enforcement requests meeting 40-day filing standard	3	(3)	0 / (17)	10	0
Percentage point change in recovery of amounts referred for collection	7	(17)	0 / 19	(8)	0

(1) BPP = Business Personal Property Tax; PP = Personal Property Tax; BPOL = Business, Professional and Occupational License Tax.

(2) Beginning in FY 2002, the collection rate will factor out bankruptcy referrals and collections and factor in exonerations.